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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,330	04/07/2005	Zmaj Petrovic	1429-143	8380

24106 7590 04/07/2006

EGBERT LAW OFFICES  
412 MAIN STREET, 7TH FLOOR  
HOUSTON, TX 77002

EXAMINER

HESS, DOUGLAS A

ART UNIT PAPER NUMBER

3651

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/510,330

Applicant(s)

PETROVIC, ZMAJ

Examiner

Douglas A. Hess

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> .           |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Garvey USP 4,401,207.

See the attached marked up cover sheet of Garvey depicting the claimed features.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne USP 3,104,753 in view of Garvey (above).

Osborne teaches the claimed invention as shown on the attached marked up cover sheet.

Osborne utilizes a belt diverter instead of a guide rail diverter. It would have been an obvious

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matter of design choice as to the type of diverter being used based on design characteristics, such as the articles being conveyed and their specific properties and their interaction with the conveyors. Garvey teaches a guide rail diverter. Substituting the guide rail diverter of Garvey for the belt diverter of Osborne would have been obvious for the reasons stated above.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A. Hess whose telephone number is 571-272-6915. The examiner can normally be reached on M-Thurs 5:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Douglas A Hess  
Primary Examiner  
Art Unit 3651

4/3/06

DAH  
April 3, 2006

Continuation of Attachment(s) 6). Other: Cover sheets of USP 4,401,207 and 3,104,753.

## [54] PRODUCT ACCUMULATOR

[75] Inventor: Francis J. Garvey, Newfield, N.J.

[73] Assignee: Garvey Corporation, Blue Anchor, N.J.

[21] Appl. No.: 228,360

[22] Filed: Jan. 26, 1981

## Related U.S. Application Data

[63] Continuation of Ser. No. 970,819, Dec. 18, 1978, abandoned.

[51] Int. Cl.<sup>3</sup> ..... B65G 37/00

[52] U.S. Cl. .... 198/580; 198/453

[58] Field of Search ..... 198/447, 453-455, 198/580, 347

## [56] References Cited

## U.S. PATENT DOCUMENTS

2,003,097	5/1935	Vickery ..	
2,763,359	4/1936	Rose .....	198/455
3,104,753	9/1963	Osborne .....	198/580
3,176,821	4/1965	Eldred et al. ....	198/453 X
3,342,012	9/1967	Reading ..	
3,604,551	9/1971	Fink ..	
4,037,710	7/1977	Brutcher .....	198/580 X

## FOREIGN PATENT DOCUMENTS

6405766 11/1965 Netherlands ..... 198/447

Primary Examiner—John J. Love

Assistant Examiner—Douglas D. Watts

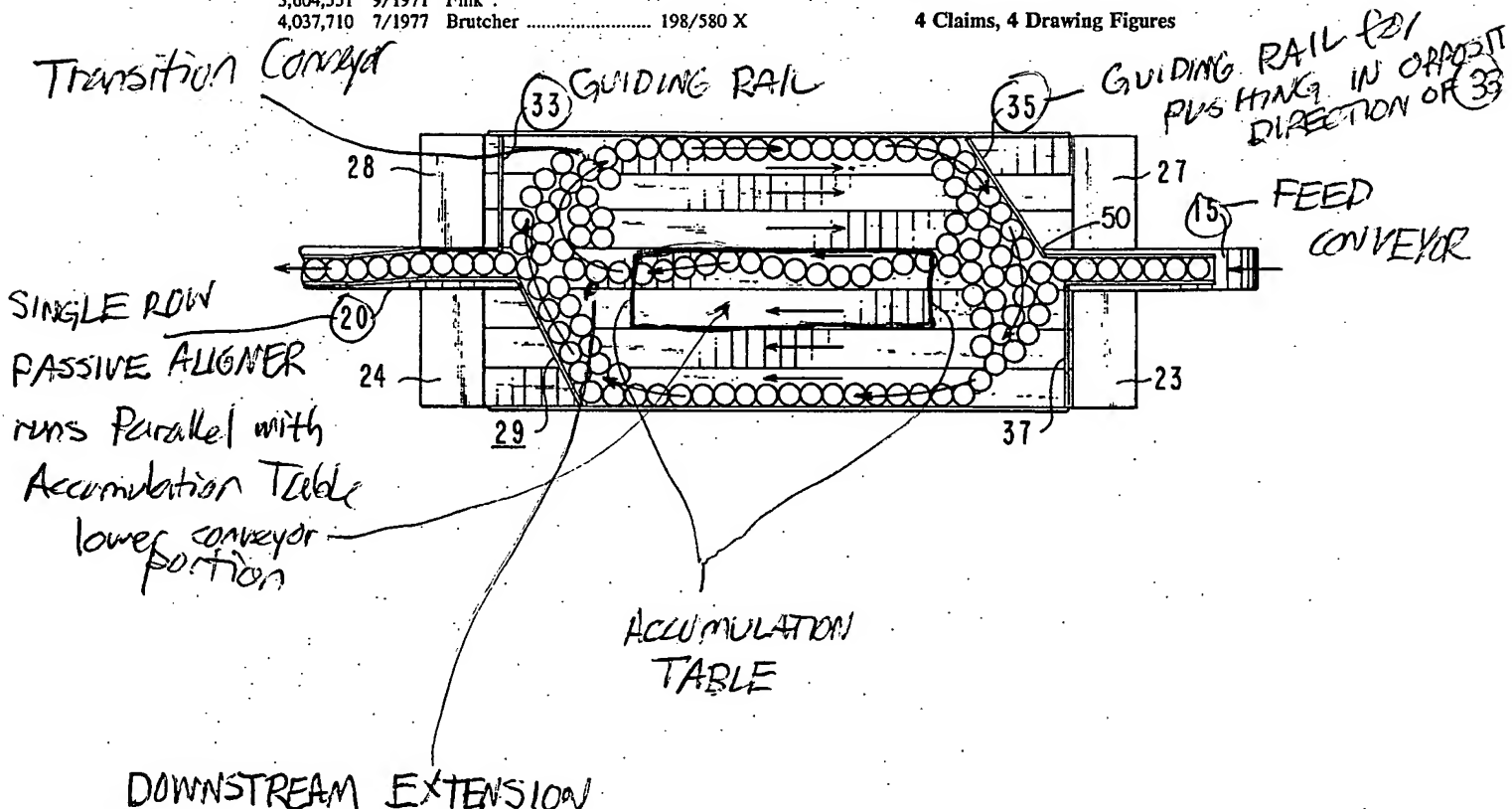
Attorney, Agent, or Firm—Anthony A. O'Brien

## [57]

## ABSTRACT

A product accumulator for a conveyor system includes a movable through-lane belt having an in-feed end and an out-feed end, at least one first auxiliary belt disposed adjacent the through-lane belt and movable in the same direction, and at least one second auxiliary belt disposed adjacent the through-lane belt and movable in the opposite direction, adjustable stationary guides, one guide disposed adjacent one end of the first auxiliary belt near the out-feed end of the through-lane belt to guide product from the first auxiliary belt onto the through-lane belt, and another guide disposed adjacent one end of the second auxiliary belt near the in-feed end of the through-lane belt, to guide product from the second auxiliary belt onto the through-lane belt, said guides disposed closely above the belts and arranged to move product from belt to belt whenever product is prevented from moving along the out-feed end of the through-lane belt.

4 Claims, 4 Drawing Figures



Sept. 24, 1963

M. B. OSBORNE

3,104,753

ARTICLE-HANDLING MACHINES

Filed June 7, 1961

2 Sheets-Sheet 1

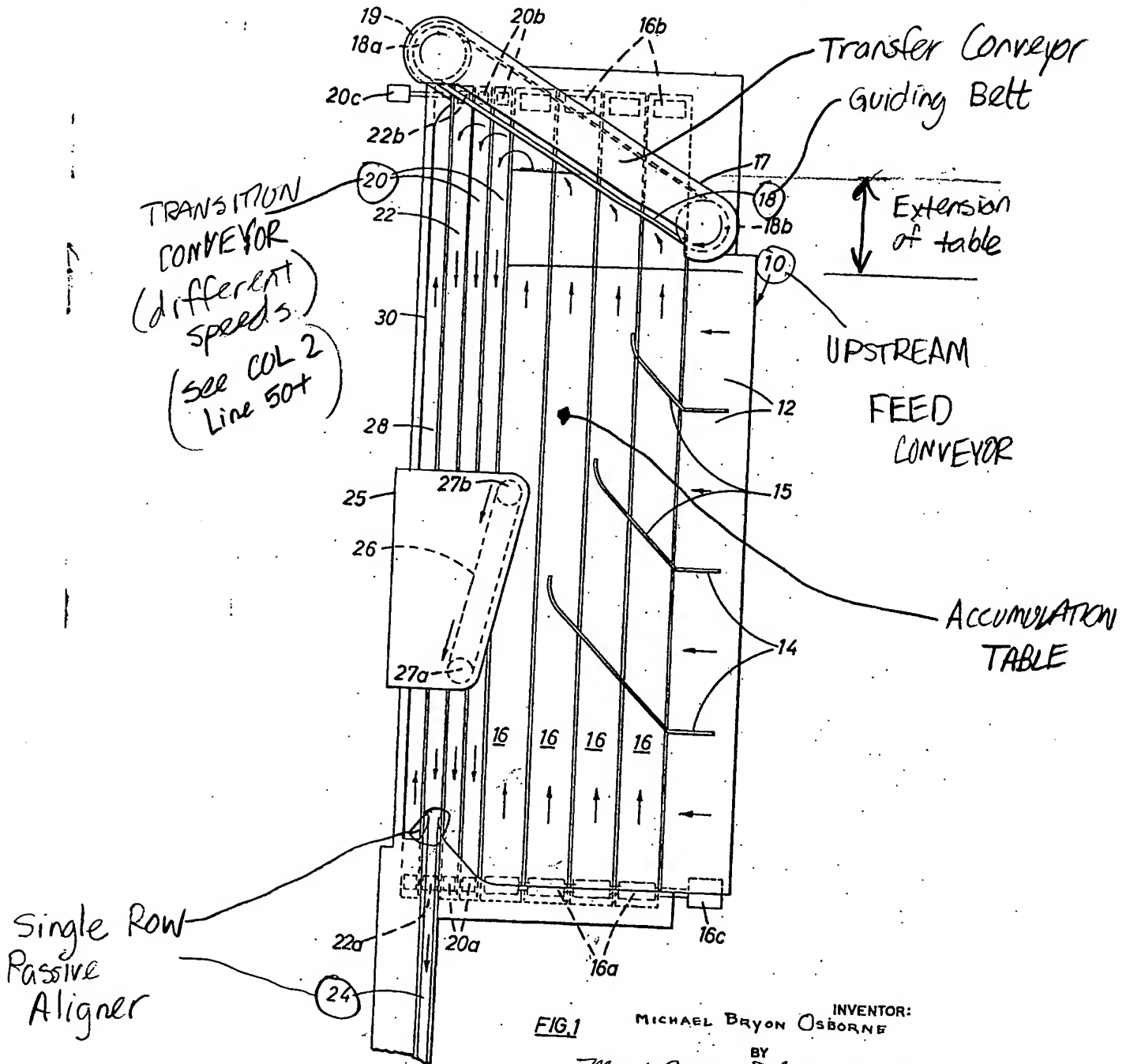


FIG. 1

INVENTOR:  
MICHAEL BRYON OSBORNE

BY  
Mead, Browne, Schuyler, Beveridge,  
A Hornes